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DATE: July 31, 2008

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TO: Examiner Jerry L. Cumberledge, Group Art Unit 3733  
COMPANY: U.S. Patent and Trademark OfficeFAX NUMBER: 571-273-8300  
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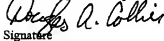
FROM: Douglas A. Collier

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RE: Response to Final Office Action for U.S. Patent Application No. 10/689,277 to Eddie F. Ray III

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/689,277
	Filing Date	October 20, 2003
	First Named Inventor	Ecklin F. Ray III
	Art Unit	3733
	Examiner Name	Jerry L. Cumberledge
Total Number of Pages in This Submission	Attorney Docket Number	MSDI-259/PC545.02

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Krieg Devault, LLP	
Signature		
Printed name	Douglas A. Collier	
Date	July 31, 2008	Reg. No. 43,555

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Signature		
Typed or printed name	Douglas A. Collier	Date July 31, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	Before the Examiner:
Eddie F. Ray III	)	Jerry L. Cumberledge
	)	
Serial No.: 10/689,277	)	Group Art Unit: 3733
	)	
Filed: October 20, 2003	)	Attorney Docket: MSDI-269/PC545.02
	)	
METHODS AND INSTRUMENTATION	)	July 31, 2008
FOR VERTEBRAL INTERBODY	)	
FUSION	)	

RESPONSE TO FINAL OFFICE ACTION

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Sir:

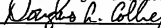
In response to the Final Office Action mailed June 13, 2008, please enter and consider the following remarks requesting withdrawal of the final rejection of the claims. No extensions of time or fees are believed necessary for consideration of the enclosed. However, please provide any extensions of time that may be necessary and charge any fees which may be due, or credit any overpayment, to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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Response to Final Office Action  
Serial No. 10/689,277  
Attorney Docket No. MSDI-269/PC545.02  
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